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COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 30 January 1992, at 10 a.m.

Chairman: Mr. WALKER (Australia)

later: Mr. SOLT (Hungary)

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The meeting was called to order at 10.05 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (A/46/65, 286 and 522; E/CN.4/1992/2, 6 and 7)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1992/11 and 12; E/CN.4/1991/14)

1. Mr. KAMAL (Pakistan) said that self-determination was the raison d'être of every nation State and represented the formal expression of the collective will of the people. There were some who professed that the concept of self-determination applied only to nations and peoples that received independence from colonial and alien domination and that, with the end of the colonial era, the concept had lost its relevance. That was not so. Self-determination was a fundamental and inalienable right of all peoples and nations, a right that was inherent and which the passage of time could not change. Accordingly, it had been duly enshrined in the Charter of the United Nations and in numerous United Nations resolutions.

2. Pakistan, which had achieved independence as a result of the exercise of its right to self-determination some 44 years previously, considered it a duty to extend its full support to efforts which would enable people still suffering under colonial or alien domination to exercise that right.

3. Consequently, it was a great tragedy for his country that the 5 million people of Jammu and Kashmir were denied their right to self-determination. The Kashmir dispute stemmed from the non-implementation of the partition principle based on the right to self-determination, in the exercise of which the South Asian subcontinent had been divided in 1947 to create the two independent nations of India and Pakistan. However, India had launched a full-scale military operation in Jammu and Kashmir in 1947 to impose a solution by force. That offensive had been resisted by the people and India had brought the issue before the Security Council in 1948, pleading that Pakistan was responsible for creating disturbances in Kashmir.

4. The Security Council had not endorsed the Indian position and, by its resolution of 17 January 1948, had appealed to the parties to improve the atmosphere and to refrain from doing anything that might aggravate the situation. Subsequently, the Council had established the United Nations Commission on India and Pakistan (UNCIP), directing it to proceed to the area as quickly as possible and investigate the situation. On 21 April 1948, the Security Council had adopted a resolution providing that the future of the State of Jammu and Kashmir should be determined in accordance with the will of the people through a free and impartial plebiscite to be held under the auspices of the United Nations. That decision had been reaffirmed by the UNCIP resolution of 5 January 1949. Those resolutions continued to be valid and operative and India and Pakistan, as parties to the dispute, were bound by them.

5. However, although India had initially agreed to the plebiscite, it had later reneged on its commitment and had argued that Kashmir was an internal Indian problem. Since then it had disregarded various Security Council resolutions and continued to occupy Jammu and Kashmir by force.

6. India's oft-repeated assertion that the people of Jammu and Kashmir had already exercised their right to self-determination had been rejected by Security Council resolutions 91 (1951) and 122 (1957). The fact that less than 5 per cent of the Kashmiri voters had turned out in the 1989 "elections" organized by India was the clearest demonstration of the transparency of the Indian ploy to use those so-called elections to justify its occupation by force of the territory.

7. The Simla Agreement of 1972 between Pakistan and India also acknowledged that a final settlement of Jammu and Kashmir was outstanding. India's contention that, after the Simla Agreement, Pakistan could not raise the Kashmir issue in the United Nations or other international forum was patently misplaced since the Agreement specifically provided that the United Nations Charter should govern relations between the parties. Under the Charter, no nation could be denied its basic right of taking any problem which could threaten peace and security to the world body for its consideration.

8. The people of Jammu and Kashmir who had waited so long for the United Nations and the world community to deliver on its pledge had concluded that enough was enough and had risen in revolt. India had therefore resorted to brutal suppression of the freedom movement, on the one hand, and a massive campaign of disinformation, on the other. The uprising of the people of occupied Kashmir was the manifestation of their desire to free themselves from the shackles of colonial control and autocratic army rule. India had thus, not surprisingly, rejected the proposal made by his delegation in the Commission in 1991 that a neutral fact-finding international team should visit Kashmir.

9. In conclusion, his delegation expressed the hope that the Indian leaders would meet their commitment and realize the futility of attempting to suppress the just aspirations of the Kashmiri people. His Government remained deeply committed to seeking a peaceful settlement of the Kashmir problem on the basis of the relevant United Nations resolutions and in the spirit of the Simla Agreement and would continue to work towards that end.

10. Mrs. FENG Cui (China) said that the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by General Assembly resolution 1514 (XV), was of great significance. It stated in explicit terms that the subjection of peoples to illegal subjugation, domination and exploitation constituted a denial of fundamental human rights, was contrary to the Charter of the United Nations, was an impediment to the promotion of world peace and cooperation and that all peoples had the right to self-determination.

11. The principles set forth in the Declaration had served to encourage the struggles of many third-world countries to secure or maintain their sovereignty and independence. In that connection, her delegation appreciated the efforts and achievements of the international community to resolve or in resolving the questions of Namibia, Palestine, Cambodia and Afghanistan.

12. The principles contained in the Declaration were still of practical significance and would continue to serve as an important legal basis for countries to safeguard their independence, sovereignty and territorial integrity and defend their economic, social and cultural rights. Recognizing the right of peoples to self-determination meant respecting the sovereignty, independence and territorial integrity of all countries and no Power was entitled to impose its own ideology, values and mode of development on others or to invade, dismember or annex the territory of other countries.

13. Over the past year, encouraging progress had been made on some issues which the Commission had been following. After Namibia had won its independence, the situation in southern Africa had eased still further and the South African people had won a victory in their efforts to combat racist rule. The Afghan question had achieved a political settlement and Kuwait had freed itself from outside occupation and restored its legitimate Government. In the case of Cambodia, after a long and arduous process, an agreement had been reached on a comprehensive political settlement. The Cambodian peace accord was a hard-won victory and complications might emerge in the process of its implementation. It was to be hoped, however, that all the signatories of the accord, particularly the four Cambodian parties, would adopt a sincere and responsible attitude and fulfil their obligations.

14. The Middle East problem had remained unresolved for more than 40 years and the key lay in the Palestinian question. Her delegation had always believed that the question should be resolved politically on the basis of the relevant United Nations resolutions, particularly Security Council resolutions 242 (1967) and 338 (1973), namely, by the return of the occupied Arab territories and the restoration of the legitimate national rights of the Palestinian people. In the meantime, the sovereignty and security of all Middle Eastern countries should be respected and guaranteed.

15. Her delegation, which supported all efforts to facilitate the Middle East peace process, hoped that there would be an early and fair political settlement of the Middle East question. The negotiations initiated at the Madrid Conference might prove an arduous and complicated process, but at least the parties involved in the Middle East quetion were sitting down and talking to each other. Her delegation hoped that the parties concerned would seize the opportunity to achieve a positive solution based on the relevant United Nations resolutions.

16. Mr. Solt (Hungary) took the Chair.

17. Mr. MARKIDES (Cyprus) said that the developments of the past year had amply demonstrated that denial of the right of self-determination could not last for ever and that title from occupation could not be acquired even if the occupation lasted for decades. The reaffirmation of that right in a number of recent cases thus constituted a practical step towards its universal application.

18. As the few who were opposed to the principle of self-determination dared not speak against it, they sometimes created monstrous theories as to the subjects of that right and talked of so-called sui generis situations, in an attempt to deform both the principle and the right to suit their political expediencies.

19. The anti-colonialist struggle waged by dependent and oppressed peoples under alien domination or foreign occupation had given self-determination a new, dynamic content and interpretation and connected that right with the democratic principle of majority rule. Self-determination had been inseparably linked with the national history of most Members of the United Nations and was in full harmony with the principle of non-intervention.

20. From the purely internal point of view, the realization of the right of self-determination was of particular importance because a people as a whole, collectively, by exercising its right to self-determination created, in accordance with its own values and philosophy of life, the basic infrastructure and framework within which to pursue its development and to promote human rights and fundamental freedoms in all spheres of the life of the individual.

21. With regard to the external implications of that fundamental human right, it was essential to note that, by virtue of the exercise of that right, a people as a whole, constituted in an independent and sovereign State, should be able to determine freely its political status or, in other words, its position at the international level.

22. Recent events in Europe and elsewhere had constituted a triumph for both internal and external self-determination. Self-determination did not create artificial walls of division but caused their demolition and he hoped that that would soon be the case all over the world.

23. Owing to its nature and content, the right to self-determination could be misinterpreted. It could be distorted to suit secessionst movements and expansionist aims at the expense of political unity and territorial integrity of independent and sovereign States.

24. Thus, the main international instruments dealing with the right to self-determination and regulating its exercise all referred to the need to ensure the territorial integrity and political unity of independent and sovereign States. They proclaimed as illegal and incompatible with the purposes and principles of the Charter and the standards of international law any action or attempt aimed at partial or total disruption, dismemberment or impairment of the territorial integrity or political unity of independent and sovereign States, under the guise of the exercise of any so-called right to self-determination. It was of course a different matter if external determination was provided for in a particular constitution.

25. Nevertheless, history recorded such attempts to distort the real meaning and content of the right to self-determination. There were cases where ethnic, religious, linguistic or other minorities invoked the right to self-determination in order to establish their own separate entity or State and to secede from an internationally recognized independent and sovereign State. If that were to be permitted under international law, hardly any existing independent and sovereign State could maintain its unity and territorial integrity.

26. It was absurd, therefore, to claim separate self-determination for an occupied part of the territory of a sovereign State, especially a territory from which the majority of the population had been forcibly expelled and to which an alien population had been transferred in violation of international law.

27. Mr. NASIER (Indonesia) said that the right to self-determination was an essential aspect of human rights which must be respected if mankind's legitimate aspirations were to be realized and its development assured. Tragically the Palestinian people had yet to enjoy that freedom. They had persistently been prevented from exercising their inalienable rights in defiance of the principles of international law, the relevant United Nations resolutions and the will of the international community. His delegation was profoundly concerned at the deteriorating human rights situation which the Palestinian people had to endure, as evidenced by a wide range of increasingly repressive measures.

28. Legal norms and procedures were totally disregarded at every level in the occupied Arab territories, resulting in the violation of the most fundamental international legal standards. As was apparent from the reports of the United Nations, human rights groups and others, the Israeli occupation had adversely affected the daily lives of Palestinians in many ways. Israel's expansionist policies inevitably made the return of the occupied territories practically and politically impossible. Moreover, arbitrary detention, curfews, illegal demolition of houses, collective punishment and torture as well as the severe limitation of freedom were the hallmarks of many repugnant aspects of the Israeli authorities' attempt to consolidate their illegal presence.

29. Since the conclusion of hostilities in the Gulf region in 1991, the rights of the Palestinians had been compounded by the crippled economy of the occupied territories, which were already severely restricted by the Israeli authorities. Arab lands had been taken away on numerous pretexts and arbitrarily appropriated through direct seizure or restrictions, with the result that more than 50 per cent of those lands had come directly under Israeli control. Those actions were accompanied by a highly discriminatory economic policy, which had led to a further deterioration in the economic situation and widened the economic gap beween the indigenous and settler populations. It was the younger people that had paid most dearly. Their intellectual development and aspirations for the future had been severely curbed by the prolonged closure of educational institutions for indefinite periods.

30. The administration of justice had also directly contributed to the massive violation of human rights. Two different systems of justice were being applied for Arabs and Jews, with the latter being treated with relative leniency for similar offences. There were no open courts and those arrested and arraigned were informed only of the charges but not of the evidence to be used against them, thus making a mockery of justice.

31. In clear violation of the Fourth Geneva Convention, there had been a number of expulsions and deportations, the victims of which were denied the opportunity to defend themselves against such drastic punishment. The

Security Council had just adopted a resolution which strongly condemned the decision of Israel to deport 12 Palestinian civilians and called upon the occupying Power to refrain from such actions and to ensure the safe and immediate return to the occupied territories of all those deported. The Security Council had also reaffirmed the applicability of the 1949 Fourth Geneva Convention to all the Palestinian territories occupied by Israel since 1967, including Jerusalem.

32. In addition to Commission resolution 1991/6, which again called upon Israel to comply with its obligations under the United Nations Charter to withdraw from Palestine and other occupied Arab territories, other efforts to find a settlement to the Arab-Israeli conflict had been made, including the Middle East Peace Conference initiated at Madrid. Nevertheless, Palestinians were still faced with a situation where a climate of fear, violence and repression characterized their daily lives.

33. In view of the gravity of the situation, his delegation thought that, as a matter of urgency, United Nations machinery should be used effectively to end the festering conflict, thus restoring the basic human rights and fundamental freedoms of which the Palestinian people had long been deprived.

34. Mr. LEMINE (Mauritania) said that the negotiations initiated in October 1991 had so far done little to improve the circumstances of the Palestinian people. The reports before the Commission painted a horrific picture of the Israeli occupation. The Israeli authorities ignored the Fourth Geneva Convention and made no secret of their intent to receive as many Jewish immigrants as possible and settle them in the occupied territories. The intifada continued, and would continue until Jerusalem was recognized as the capital of an independent Palestinian people.

35. However, negotiations to resolve the problem had, at long last, begun and those with influence in shaping Israeli policy should take the opportunity to exert pressure on the Israeli Government to put an end to a situation which was profoundly repugnant to the international community.

36. Mr. BLACKWELL (United States of America) said that the idea of self-determination was universally shared by people of widely different beliefs and cultures. As recent history had demonstrated, it was not a Western concept or a principle that only advanced industrial societies embraced. At its core, self-determination meant that people had the right to choose their own government without threat from any source, whether internal or external. That could be achieved only through the consent of the governed as reflected in democratic institutions, among which a periodically elected legislature was the most basic. Self-determination was not a sanction for bloodshed or the denial of the rights of others.

37. Democracy was an essential condition for the true realization of a people's right to self-determination. Dictatorships, whether of the right or of the left, and totalitarian regimes of any kind were incompatible with that definition of self-determination. The democratic ethos was taking root everywhere, and not just any form of democracy, but true representative democracy with the right to vote in free and genuine elections, freely

participating and competing political parties, the right to freedom of opinion, a free press and other essential institutions and standards. Real self-determination meant nothing less than multi-party democracy.

38. That truth had been repeatedly demonstrated in the former totalitarian countries of Eastern Europe and also in African nations, such as Zambia, which in 1991 had become one of a number of countries that had held multi-party elections.

39. The principle of self-determination was not always easy to implement. While in Europe there has been a number of examples over the past year of the peaceful and successful exercise of the right to self-determination, such as in the Baltic States and the newly independent States of the former Soviet Union, in a few instances conflicts had occurred, especially in areas where there were competing claims by rival ethnic groups. In those more complicated situations, dialogue was essential to ensure that disputes were resolved in a peaceful and constructive way and that the rights of all were protected.

40. There were many ways in which that could be done. The Constitution of the United States, for example, provided for a wide array of free institutions and for the protection of minorities as well as of the majority. The goal was to build a vibrant, energetic democracy in which individuals, interests and organizations participated, sometimes competing as the "loyal opposition". Only in such a society, towards which the United States continued to strive, could the kind of dangerous conflicts seen in all too many countries be overcome.

41. His Government would continue to take an active role in helping to resolve difficult situations, for that was the path most consistent with its tradition. It would help those countries that had embarked upon the path of democracy and self-determination. It had undertaken numerous initiatives to aid the world's new democracies, and many others had emanated from the private sector also.

42. In the case of those nations that continued to fight the trend, among them Cuba, North Korea and Burma, it was the solemn obligation of the Commission to draw the attention of world public opinion to their human rights violations. As President John F. Kennedy had said a generation previously, dictators might destroy the exercise of liberty, but they could not eliminate the determination to be free.

43. Mrs. JOHM (Gambia) said that, despite the promising beginnings represented by the Madrid Conference, there was no sign that the tribulations of the Palestinian people were about to come to an end. The peacemaking process in the Middle East would no doubt prove to be protracted and difficult, but two cardinal issues should be kept to the forefront, namely the security and recognition of Israel as a sovereign State and the establishment of a Palestinian homeland with its own legitimate Government. Peace in the region could not be achieved by violent means, and her delegation therefore appealed to all the parties concerned to refrain from further strife.

44. Her Government was fully convinced that self-determination should be seen as a fundamental right of all peoples. For that reason, it welcomed every attempt to introduce more democratic and representative institutions reflecting the will of people, an endeavour in which the Commission on Human Rights had an important role to play.

45. Mr. AL-FARSY (Observer for Oman) said that the documentation before the Committee clearly illustrated the sufferings of the Palestinian people at the hands of an Israeli Government which continued to act in flagrant violation of international conventions on human rights.

46. Flagrant violations of human rights continued to occur in south Lebanon also, and he hoped that the international community would be able to exert sufficient pressure on the Israeli Government to implement the international agreements which could bring peace to Lebanon and to the Middle East in general.

47. With regard to South Africa, he said that his Government had consistently denounced the concept of apartheid and hoped that the entire system of racial discrimination would soon be eliminated.

48. Mr. SEMICHI (Observer for Algeria) said that, in spite of the recent major changes on the international scene, the human rights situation in the occupied Arab territories had continued to worsen. Despite international condemnation, Israel was still violating with impunity the human rights and fundamental freedoms of the Arab population in the occupied territories, thereby frustrating the prospects for peace, the rule of law, and international legality in the Middle East at a time when a real chance existed for peace in other parts of the world.

49. Reports prepared by United Nations bodies and by other organizations all highlighted the tragic fate of the Palestinians and other Arab populations of the Syrian Golan and south Lebanon under Israeli military occupation. For instance, the twenty-third report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/46/522) concluded that, if the region was to be spared another major explosion, the international community must intensify its efforts to convince Israel to put an end to its violent and discriminatory practices, which affected all sectors of the occupied Arab populations.

50. The unspeakable suffering to which the Arab population of the occupied territories was subjected had been aggravated by the serious economic and social consequences of repeated and prolonged curfews, the demolition of houses, confiscation of property, expropriation of land and other collective punishments. Moreover, the Israeli settlers were benefiting from the collusion of the occupying authorities and were authorized to shoot at suspects. It was all too common for Israeli civilians convicted of murder or other attacks on Arabs to be sympathetically treated by the occupying authorites, whereas, in the case of Arabs, thousands of persons, including minors, were imprisoned in inhuman conditions on the mere suspicion of belonging to the Palestine Liberation Organization.

51. Even more serious was the deportation of Palestinians by the Israeli authorities in flagrant violation of the provisions of the Fourth Geneva Convention. That practice of deportation was being resumed precisely at a time when Arab lands were being acquired by force and an increasing number of Jewish settlers, mainly from Eastern Europe, were being installed in the occupied territories at an accelerating pace.

52. In the face of the alarming deterioration in the human rights situation in Palestine, the Golan and south Lebanon and the stubborn refusal of Israel to take the path of peace evidenced by its rejection of any serious negotiation with the authentic and universally recognized representatives of the Palestinian people, the international community could no longer remain content with verbal condemnations. Determined pressure should be brought to bear on Israel to put an end to its violent and expansionist policy and to respect international law. The international community, in particular, must guarantee the protection of the Palestinian and other Arab populations under occupation and take practical steps to ensure the restoration of their fundamental and inalienable rights.

53. Algeria, which unswervingly supported the struggle of the Palestinian and other Arab populations for the recovery of their rights and their usurped land, wished to reaffirm the imperative need to restore the legitimate rights of the Palestinian people, including their right to self-determination and an independent State, if a just, comprehensive and lasting settlement of the Middle East conflict was to be secured.

54. Mrs. RISHMAWI (International Commission of Jurists) said that her organization, consistent with its stand that conflicts should be resolved by peaceful and legal means, welcomed the progress made in Madrid, Washington and Moscow to bring the parties to the Middle East conflict to the negotiating table. While agreeing that all parties should encourage the current peace process, it firmly believed that asserting the need to respect the principles of international law could not but enhance peace and stability in that troubled region.

55. Even as the peace negotiations proceeded, however, the human rights situation in the occupied territories continued to deteriorate. Deportations, prolonged curfews, house demolitions and other forms of illegal punishment continued to characterize Israeli practices in the West Bank and Gaza Strip. Moreover, Israel had intensified its settlement policy and had increased the total area of confiscated land to more than 69 per cent of the occupied territories. Efforts in the current peace talks to put an end to further settlement had so far been fruitless.

56. While States continued to assert their opposition to the Israeli settlement policy, their words were not being translated into deeds. Financial and technical assistance, trade relations, and cultural exchanges continued to be provided to Israel without linkage to its settlement policy. On 26 January 1992, for example, the Israeli Minister of Health had said that the United States would allow Israel to continue a "massive" settlement building programme in the West Bank and Gaza, offering a compromise over the US$ 10 billion sought by Israel in loan guarantees to absorb Soviet immigrants

and allowing Israel to go ahead with existing building projects in the settlements. Those statements had not been contradicted by the United States Government.

57. Similarly, the proposed fourth Protocol relating to Financial Cooperation between the European Community and the State of Israel contained no provision precluding the use by Israel of Community credits supplied in conjunction with the Protocol to projects, including settlements, in the occupied territories. Under Israeli law, agencies charged with implementing development investment treated the occupied territories as an integral part of Israel's national territory and provided maximum grant and loan guarantee incentives to Israeli firms establishing settlement-related productive ventures in the West Bank and Gaza Strip. Her organization was concerned that, in the absence of provisions in the Protocol explicitly barring Israel from using its privileges in connection with the settlements, the Israeli Government would seek to apply development investment funds in accordance with its own priorities, which would be inconsistent with the Community's stated opposition to the settlements.

58. While there was no need to enter into a sterile debate on the legality of the settlements, the consequences of their illegality should be explicitly stated, with regard not only to Israel but also to third parties. Indeed, article 1 of the Fourth Geneva Convention imposed an obligation on States not only to respect the Convention but also to ensure respect for its provisions.

59. In the circumstances, it would be particularly pertinent to obtain an advisory opinion from the International Court of Justice on the legal consequences for States arising from Israeli settlements. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had prepared a draft resolution to that end for adoption by the Commission on Human Rights and transmission to the Economic and Social Council (E/CN.4/1992/2, draft resolution X).

60. The International Commission of Jurists, urged the Commission on Human Rights to adopt that draft resolution. In the United Nations Decade of International Law, law had to be given a chance. Conflict resolution could not be determined only by power relationships and must be based on principles of law and justice. The Commission on Human Rights had both the opportunity and the duty to make clear its operational commitment to international law.

61. Ms. BERGEN (Women's International League for Peace and Freedom) said that, while the world awaited the outcome of the Middle East peace talks, Palestinians in the West Bank and Gaza Strip continued to suffer the atrocities of Israeli military occupation. Indeed, life under Israeli military rule had noticeably deteriorated since the peace talks began.

62. Her organization had recently received a press release from the Coordinating Committee of International NGOs (CCINGO) concerning the deteriorating situation in the occupied territories. The recently imposed night-time curfew and roadside ban had inhibited the movement of most of the Palestinian population of the West Bank and Gaza after 5 p.m. The situation had been compounded by increasing harassment of both Palestinian institutions and international bodies.

63. The Palestine Human Rights Information Centre (PHRIC) had been documenting human rights violations in the West Bank and Gaza Strip since 1986, by obtaining eye-witness testimonies and medical reports. In addition, it collected documentation on killings and other deaths where the direct responsibility of the Israeli authorities could not be assessed on account of insufficient evidence. Since the intifada began, 1,001 Palestinians, including many children under the age of 16 years, had been killed by the Israeli occupying forces.

64. PHRIC had also documented a total of 66 killings by undercover units since their establishment was first announced in August 1989. The last seven such killings followed a characteristic pattern, including the prior identification of the victim, sometimes by local collaborators, firing on the victim without warning in the manner of an ambush, and subsequent claims by the military that the victim had been shot while attempting to escape, had been a member of a military cell, or had been engaged in suspicious activity.

65. PHRIC further reported that, since the intifada began in December 1989, Israel had expelled 66 persons from the West Bank and Gaza for "security reasons". The expulsion orders had been announced in six waves, each wave timed to respond to political events. None of those deported had been formally accused of violating Israeli military law and alleged evidence against them had been kept secret during their procedural appeals in the military committee and in the High Court. In addition, the Israeli military authorities had forcibly expelled Palestinians who had sought and been denied the right to reside with their familiies in the occupied territories.

66. While the number of administrative detentions had steadily decreased in 1991, the majority of those currently remaining in prison had served multiple sentences under harsh conditions. More than 14,000 Palestinians were currently held in Israeli military detention centres and civilian-administered prisons. Physical conditions inside the prisons had deteriorated sharply during the previous year, due to cuts in food and clothing rations. Physical abuse of detainees was routine and PHRIC had also documented in 1991 the use of electric shock torture during interrogations in Hebron prison.

67. Under Israeli military law, the house of a person suspected of a military offence could be destroyed and, since the intifada began, a total of 2,059 persons had been rendered homeless in that way. With a virtual freeze on Israeli licensing of Palestinian construction, houses were therefore built without permits, thereby rendering them liable to demolition. The seizure of houses under various pretexts - military reasons, fraudulent sale, tax and inheritance trickery, "absentee" property - had been more frequent in 1991, particularly in Palestinian neighbourhoods in Jerusalem.

68. Since the beginning of the intifada, PHRIC had documented the confiscation of more than 347,798 dunams of land and the uprooting of more than 128,364 trees. Meanwhile, the illegal establishment of new settlements and the expansion of existing ones continued, thereby giving Israel current control of over 70 per cent of the West Bank.

69. The Women's International League for Peace and Freedom was concerned for the safety and well-being of all the peoples of the Middle East, but it was currently particularly concerned about the protection of the Palestinians in the Israeli-occupied territories. A political solution must be found to the Palestinian question within the framework of the relevant United Nations resolutions. Until such time as those resolutions were enforced, her organization called upon the United Nations to replace the Israeli occupying forces by a peace force of its own.

70. Ms. AULA (International League for the Rights and Liberation of Peoples) said that, while her organization welcomed the initiation of the Middle East peace talks, which it considered to be the indirect recognition by the United States Government of the right of the Palestinian people to self-determination, it regretted the fact that the United Nations, whose various resolutions on the Palestinian question represented a source of law, had not been associated with the Conference.

71. Among the many obstacles which could derail a solution to the conflict, there were two of particular concern to her organization: the deportation of Palestinians by Israel and settlement in the occupied territories.

72. The first was a practice that had been condemned by the Security Council in six different resolutions since the start of the intifada. In the most recent of those resolutions, adopted unanimously on 6 January 1992, the Security Council recalled that the Fourth Geneva Convention, which forbade the practice, applied to all the Palestinian territories occupied since 1967, including Jerusalem.

73. The second area of concern was the intensification of settlement building even as the peace talks were being held. According to official figures, the Israeli Government had commenced the construction of 6,435 dwellings during the first nine months of 1991 as against 1,820 for the whole of 1990. The aim of that policy was to create a fait accompli by establishing a network of settlements in the occupied territories which, Israel would later assert, was impossible to dismantle. An end to that settlement policy was therefore a sine qua non for a successful outcome of the Conference.

74. Her organization had confined itself to just two of the many practices, all of which had been condemned by the international community, that constituted obstacles to the successful outcome of the Conference. She hoped that the Commission on Human Rights would add its voice to the general condemnation.

75. Mrs. PURI (India), speaking in exercise of the right of reply, said that the fallacious comments by the representative of Pakistan about a part of India did not serve the cause of good neighbourly relations between Pakistan and India, to which her Government was deeply committed.

76. The right to self-determination had always been taken by the United Nations to apply to non-self-governing territories and not to integral parts of sovereign and independent States. The delegation of Pakistan's

application of the right of self-determination to constituent units of sovereign States could not but undermine the principle of the territorial integrity of sovereign States and was thus a threat to democracy everywhere.

77. The state of Jammu and Kashmir was an integral part of India. The United Nations resolutions referring thereto had been rendered obsolete by Pakistan's refusal to vacate the territory it had occupied by force of arms and repeated aggressions against India. The people of Jammu and Kashmir, like their compatriots, had regularly participated in free and fair elections and had returned freely elected Governments, which was the touchstone of self-determination. The same could not be said for the unfortunate people in the parts of Jammu and Kashmir occupied by Pakistan or, for that matter, for the people of Pakistan itself.

78. Pakistan was openly interfering in India's internal affairs; in fact, the Government of Pakistan had proclaimed that such interference was part of its official policy and it was thus officially sponsoring terrorism. In fact, many States and prominent individuals had expressed concern at Pakistan's sponsorship of terrorism. There was overwhelming independent evidence to show that Pakistan was infiltrating armed separatists into India, where they were killing civilians, taking hostages and terrorizing the population. In 1991 alone, hundreds of civilians had been killed. As pointed out by the delegation of the United States, self-determination was not a sanction for bloodshed or the denial of the rights of others.

79. Her delegation thus appealed to the delegation of Pakistan not to distract the Commission from its task and to work within the framework of the Simla Agreement towards cooperation and friendship between the two countries.

80. Mr. ZHU Xiao Ming (China), speaking in exercise of the right of reply, said that a reference had been made to the so-called right to self-determination of the Tibetan people. That was a distortion of the very principle of self-determination, which applied to oppressed peoples who sought to free themselves from imperialism and colonialism and to achieve national independence. In accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples, the right to self-determination applied to non-self-governing territories and colonies that had not yet achieved independence. Any attempt to destroy the territorial integrity of a country was incompatible with the Declaration.

81. For more than 100 years before 1949, all the peoples of China, including the Tibetans, had been the victims of imperialism, their human rights violated. Since 1949 they had enjoyed their human rights, the feudal system of serfdom having been abolished. The idea of self-determination for Tibetans was being promoted by a small group of separatists in Tibet, in blatant violation of international law. Such a situation was intolerable for any sovereign State.

82. Mr. ILICAK (Observer for Turkey), speaking in exercise of the right of reply, said that the representative of the Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM) had alleged that

Turkey was committing human rights violations against the Kurds. He wished first of all to stress that all citizens of the Republic of Turkey were equal before the law, without regard for their ethnic origins, and all enjoyed the same political, economic, social and cultural rights. Turkish citizens of Kurdish origin were able to speak their language freely and, several months previously, three Kurdish language newspapers had begun publishing. Some 20 deputies had been elected during the last legislative elections as members of a party founded primarily to protect the interests of Turkish citizens of Kurdish origin. There were ministers, generals, ambassadors, scientists, businessmen and artists of Kurdish origin in Turkey.

83. The representative of the NGO in question had ignored the violence perpetrated by the terrorist group PKK and had even accused Turkey of passing over in silence the proposals made by Mr. Ocalan, the leader of that group, which had committed numerous crimes, including the murder of hundreds of civilians. Turkey would never negotiate with terrorists, regardless of the circumstances, but would continue to combat them with all the means at its disposal. Statements of the type made by the representative of FEDEFAM only encouraged terrorists and served to increase the number of victims, without making any contribution to the promotion of basic human rights.

84. Mr. KHAN (Pakistan), speaking in exercise of the right of reply, said that the representative of India had made some baseless allegations of interference by Pakistan in the current uprising in Jammu and Kashmir. Objective reports by scores of foreign journalists, and indeed, by Indian human rights organizations, had shown that the Kashmiri struggle was an indigenous one. The Indian representative's charges were aimed at diverting world attention from the brutal acts of oppression carried out by Indian security forces in their vain attempt to crush the aspirations of the Kashmiri people to exercise its right to self-determination.

85. His Government had repeatedly proposed the setting up, under the auspices of the United Nations, of a panel of neutral countries to investigate Indian allegations of Pakistani interference, but India had repeatedly rejected that offer. By claiming that the Kashmir dispute did not exist and that Kashmir was an integral part of India, the Government of India was disregarding the relevant United Nations resolutions stating that Kashmir was a disputed territory and that its status should be decided by a plebiscite.

86. The representative of India had made inappropriate references to internal events in Pakistan that were irrelevant to the issue at hand. No doubt she had forgotten to mention how the rights of minorities were trampled upon in India.

87. At issue was the fundamental right of the people of Kashmir to self-determination. India must cease its repressive actions in Kashmir, which grossly violated the human rights of the Kashmiri people. Pakistan was committed to finding a peaceful resolution of the future of the disputed territory in accordance with the relevant Security Council resolutions and in keeping with the spirit of the Simla Agreement.

STATEMENT BY THE PARLIAMENTARY UNDER-SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

88. The CHAIRMAN welcomed the Parliamentary Under-Secretary of State for Foreign Affairs of the United Kingdom and invited him to address the Commission.

89. Mr. LENNOX-BOYD (United Kingdom) said that his Government fully endorsed the points made the previous day by the Foreign Minister of Portugal on behalf of the 12 States members of the European Community. That Minister had referred to some specific country situations. For his own part, he wished to emphasize the bloody and despicable nature of the human rights abuses currently practised in Iraq by a regime which acted in flagrant and cynical disregard of its citizens' most basic human rights. As a gesture of solidarity with the many victims of torture in that country and throughout the world, his Government would contribute £25,000 to the United Nations Voluntary Fund for the Victims of Torture.

90. One way to enhance respect for human rights throughout the world was to focus on the aspect of accountability: Governments, organizations outside the control of Governments, and individuals should all be subject to accountability if they abused human rights. That principle was an essential feature of the creation of a system of international instruments to safeguard human rights.

91. It was entirely fitting, therefore, that the Member States of the United Nations should be subject to an impartial review of the fulfilment of the obligations they had assumed and their compliance with the universal standards that had been set. That task, however, was proving increasingly difficult to perform, and ways would have to be found to enhance the effectiveness of the monitoring system, along the lines suggested by Mr. Alston. Ways should also be found to make the Commission's voice heard outside its formal sessions.

92. Accountability could also be reinforced by public opinion. The speed and scope of modern news media were such that Government's found themselves, at least in the case of democracies, obliged by the reaction of their peoples to respond to situations in which human rights abuses were known to be taking place. Such developments would be impossible without the existence of a vigorous and free press: for that reason, his delegation urged the Commission not to deviate from its duty to promote and protect the right to freedom of expression.

93. The second force at work was that of the non-governmental organizations, whose campaigning and monitoring work continued to grow year by year. Their dedication to uncovering the reality of human rights abuse and awakening public concern had produced a transformation of attitudes in recent years.

94. Failure in accountability could lead Governments to think that they could act with impunity in all their affairs. He had already mentioned the case of Iraq, but wished also to refer to the deplorable situation in Burma, where an

unelected and repressive dictatorship continued to rule through the politics of fear and oppression. The results of free elections had been ignored and a winner of the Nobel Peace Prize had been deprived of liberty and basic human rights for nearly two years.

95. His Government believed that the encouragement of democracy should be among the foremost tasks of the United Nations. The principle of accountability required that the representatives of a country's people be freely elected and able to convey to all those exercising power the real concerns of ordinary people.

96. If societies were not to lose their sense of moral direction, they must find good government, a concept which entailed respect for human rights, accountability and sound economic management. His Government sought to encourage those principles through its programmes of assistance.

97. In conclusion, he expressed the hope that the Commission would continue to serve the cause of human rights and that it would emphasize the importance of accountability as a means of encouraging respect for the rights and dignity of mankind.

98. Mr. ALDOURI (Iraq), speaking in exercise of the right of reply, said that the representative of the United Kingdom had made a most undiplomatic reference to his country. He reminded the Commission that the United Kingdom had made a colony of Iraq between 1917 and 1958. During that period, instead of coming as a liberator, introducing democracy and human rights in Iraq, the United Kingdom had pillaged Iraqi wealth and killed large numbers of civilians, spreading terror and fear.

99. Since 1958, when Iraq had shaken off British hegemony, the United Kingdom's policy towards his country had been motivated by a desire for revenge. That had become evident in 1991 when the United Kingdom had used destructive weapons against Iraq and carried out sabotage, causing the death of thousands of people. It was also evident from the refusal of the Government of that country to lift the economic embargo against Iraq, even though the reasons adduced for imposing that embargo no longer applied.

100. The Government of the United Kingdom had likewise a major responsibility for the sufferings of the Palestinian people and events in Northern Ireland had a similar origin in British machinations.

101. His Government denied the allegations made by the delegation of the United Kingdom. Despite its current difficulties, Iraq was working to improve human rights and spread democracy in the country and was cooperating with the United Nations in that regard.

The meeting rose at 12.40 p.m.

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COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 6TH MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 30 January 1992, at 3 p.m.

Chairman: Mr. SOLT (Hungary)

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Question of the violation of human rights in the occupied Arab territories, including Palestine (continued)

The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation (continued)

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The meeting was called to order at 3.05 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1992/6 and 7)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1992/11 and 12; E/CN.4/1991/14; A/46/65, 286 and 522)

1. Ms. CALANDRA (International Federation of Human Rights and France-Libertés, Fondation Danielle Mitterrand) said it was appropriate that, as decided at its previous session, the Commission on Human Rights should at its forty-eighth session accord high priority to the question of Western Sahara since careful examination of the situation revealed obstacles in the path of the painstaking efforts made by the international community to end a conflict which had lasted 16 years. She recalled that, at its forty-seventh session, the Commission had reaffirmed the inalienable right of the people of Western Sahara to self-determination and independence, a right which, if it was to be exercised legitimately, should be enjoyed in conditions of irreproachable legality and freedom. According to Security Council resolution 690 (1991) the two parties to the conflict, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Polisario Front), had recognized that the organization and supervision of the referendum was the entire and exclusive responsibility of the United Nations, through the Secretary-General's Special Representative with the support of the United Nations Mission for the Referendum in Western Sahara (MINURSO). One of the key aspects of the agreement between the United Nations Secretary-General and the two parties concerned the 1974 Spanish census, which they had both accepted as the only basis for compiling the electoral registers. Unfortunately, five months after the cease-fire marking the beginning of the transitional period had come into force, implementation of the United Nations peace plan had been held up by a considerable number of difficulties. The cease-fire had been violated on several occasions, the MINURSO staff were not yet at full strength and it had not been possible to deploy them at the rate envisaged, the Special Representative of the Secretary-General had been unable to install himself on the spot and had finally resigned, United Nations equipment was still being held up at Moroccan ports and airports, 40,000 people had been moved from Morocco to Western Sahara in order to inflate the electoral registers and the voting itself had been deferred to an as yet unspecified date.

2. The International Federation of Human Rights and France-Libertés called on the Commission on Human Rights at its forty-eighth session to reaffirm its support for the peace plan adopted by the Security Council in order to ensure that it would be rigorously and fully implemented, to appeal once more to the Kingdom of Morocco and the Polisario Front to show the cooperation and good will on which the peace process depended with a view to the early solution of the question of Western Sahara, to express its concern about any modification of those elements of the peace plan accepted by both parties to the conflict which might impede the organization of a fair and equitable referendum on self-determination, to insist that MINURSO should be provided with the

resources necessary to fulfil its mission, to decide to monitor developments in Western Sahara and to accord high priority to consideration of that question at its forty-ninth session. The attention of the Commission was also drawn to the fact that, in one of its most recent resolutions, the European Parliament had expressed the hope that members of parliaments and non-governmental organizations would be able, as international observers, to monitor the election process in Western Sahara on the spot.

3. Ms. PARK (Canada) said she was gratified by developments in the Middle East since the forty-seventh session of the Commission and the willingness shown by the two parties to the conflict to bring it to an end by entering into negotiations to establish peace in the region and form relationships based on the recognition of mutual interests and legitimate rights. Particularly welcome was the decision taken at the Moscow multilateral talks to create working groups to consider practical ways of improving the lives of people in the region including a refugee working group in which Canada would play a leading role, acting as host to the first meeting. It was to be hoped that the Commission's deliberations during its forty-eighth session would strengthen the hand of all those who favoured negotiations and were working for the success of the peace process.

4. It was now up to the peoples of the Middle East, Israelis and Palestinians in particular, to establish a new regional order. Such an order was inextricably linked to respect for the individual and collective rights of the two communities as formulated by international humanitarian law and the decisions of the collective bodies. As the Prime Minister of Canada, Mr. Brian Mulroney, had clearly expressed at recent meetings of the heads of State and Government of the Commonwealth and the French-speaking countries, human rights and the promotion of democratic values should henceforth occupy a central place in international relations, without any exception. It was beyond question that the resolution of the Arab-Israeli conflict and the Israeli-Palestinian conflict could be achieved only through the implementation of Security Council resolution 242 (1967) and that in the meantime the provisions of the Fourth Geneva Convention should be applied in the occupied territories. Respect for those provisions was an essential condition for progress in resolving the problem. However, despite efforts made by both sides to correct the most inhuman of the conditions in the occupied territories, the situation in the West Bank and Gaza Strip remained greatly disturbing. The policy of deporting Palestinians and establishing settlements continued, incarcerations contrary to the rule of law still took place and while most of the universities had been reopened (an indication of a willingness to reduce collective punishment) recent curfews in certain regions appeared out of proportion to the violent attacks on settlers.

5. Canada would continue to support all those on both sides who were striving to promote the rule of law. It was encouraged by the considerable cooperation between Palestinian and Israeli human rights organizations and commended their efforts, which were an indication of the quality of interaction possible between those communities. It also paid tribute to the International Committee of the Red Cross and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) for their

generous support. The Israelis and the Palestinians should make an additional effort to recognize the rights and the dignity of their neighbours and thus further their own cause. Canada, for its part, would spare no effort to assist them in their search for peace and dignity, since that was an essential condition for a secure future for all those involved. Her delegation, which had regretted the lack of consensus on the draft resolutions on the Question of Palestine submitted at the forty-seventh session of the Commission, hoped that the decisions that would be taken in 1992 would reflect the new spirit of realism and compromise that prevailed at the international level and was looking forward to working with other delegations to that end.

6. Mr. KOVALIOV (Russian Federation) said that the increasing number of countries acceding to international human rights instruments proved that most States in the world were aware of the universal value of human rights. However, the adoption of legal norms was not enough; they had to be implemented, and that should be the objective of the international community.

7. The right of peoples to self-determination was the most important of all the rights enshrined in international law and its realization was often considered to be an indispensable condition for and the guarantee of the enjoyment of individual rights and liberties, but the converse was also true. The creation of an independent State and the establishment of democratic principles which took into account the legitimate rights and interests of individuals was a complex and long-term task and constituted the most concrete form that the right to self-determination could take. That was the difficult path which the peoples of Russia had chosen, believing that the implementation of that right would affirm the importance of the individual and his rights and dignity in all walks of life. That was because over many decades the interests of the individual in the society of the former Soviet Union had been subjected to those of the State and the concept of human rights had always been rejected, to the extent that possession of the text of the Universal Declaration of Human Rights had, 10 years previously, been considered a crime punishable by a prison sentence. The stands taken by the international community had undoubtedly done much to promote the process of reform in Russia, which was duly grateful. Despite the numerous social and economic problems faced by the country, the Russian Parliament had already adopted a number of human rights laws and in particular a declaration of the rights and freedoms of the individual and citizen, and had established parliamentary control over respect for human rights through a specially-appointed ombudsman. The recently created constitutional court had been entrusted with extensive powers, including that of verifying the constitutionality of laws that had been passed and monitoring the application of human rights legislation. Its first decision had been to cancel a presidential decree merging the Ministry of the Interior and the security services, which had been considered unconstitutional. Furthermore, the legal system was being reformed and the Constitution had been modified, but clearly a great deal remained to be done before national legislation would be in conformity with the norms of international law.

8. At the international level, Russia also had to adapt its foreign policy and, in particular, accord priority to democratic values and respect for human rights, which was a factor in international cooperation and a universal

Palestine, deplored human rights abuses in the occupied territories and the deportation of Palestinians. It was to be deeply regretted that the Fourth Geneva Convention, which constituted the legal framework applicable de jure in the occupied territories, was not respected. The Commission, which had already condemned the installation of Israeli settlers in the occupied territories, should renew its demands on Israel in order to promote a definitive and satisfactory solution to the question of Palestine.

13. Mr. CALITIS (Observer for Latvia) recalled that, Latvia, which had been condemned by the two international criminals Hitler and Stalin, had lost its independence for over 50 years and thus its place in the United Nations. Fortunately, justice had finally triumphed and the State of Latvia was at present represented in the Commission. The Latvian people had suffered heavy losses, initially during the Second World War and then owing to the occupation of its territory by the Soviet army. Throughout all those years it had been denied the exercise of its right to self-determination. The Parliament of Latvia had recently ratified all international legal instruments concerning the right of peoples to self-determination and Latvia condemned human rights violations wherever they occurred. Latvians were the only people in Europe who had been unable to return to their pre-war demographic level and accounted for only 51 per cent of the population on Latvian territory. The Government of Latvia wholeheartedly supported the demands of oppressed peoples and intended to recognize the rights of all the ethnic groups living in Latvia. However, respect for international principles on Latvian territory was hampered by one obstacle, namely, the stationing there of armies of the former Soviet Union, which were a destabilizing factor in the Baltic region and indeed Northern and Eastern Europe as a whole. For that reason, his Government called on the international community to make every effort to require the withdrawal of those troops.

14. Mr. KHAN (Pakistan), referring to the situation in Afghanistan, said that although its people had succeeded, after an heroic struggle, in freeing their homeland from foreign occupation, Afghan territory was still being laid waste by continued armed conflict. It was incumbent upon the international community to make every possible effort to achieve peace in Afghanistan and to enable the millions of Afghan refugees to return to their homes. In that connection, Pakistan supported the United Nations Secretary-General's proposal, as well as the peace efforts embarked upon by all the parties concerned. The conflict in Afghanistan continued to impose an enormous social and economic burden on Pakistan in the form of the presence of more than 3 million Afghan refugees on its territory. The Government of Pakistan, which was deeply concerned by the sharp decline in international humanitarian assistance for those refugees, considered that it was the responsibility of the international community to extend assistance to them as long as they remained on Pakistani territory and a durable political solution had not been worked out.

15. Pakistan also regretted the fact that the right to self-determination of the Palestinian people continued to be denied and condemned the atrocities perpetrated by the Israeli authorities against innocent Palestinians. It also condemned the Israeli policy of establishing settlements and of expropriation in the occupied territories and demanded the dismantling of the Israeli

settlements in those territories. Pakistan had always supported the struggle of the Palestinian people and was convinced that a lasting solution to the problem of the Middle East would be elusive without total Israeli withdrawal from all occupied Palestinian and Arab territories and the restoration of the Palestinian people's right to self-determination. It welcomed the peace process under way in the Middle East and sincerely hoped that it would lead to a satisfactory solution of the problems in the region.

16. With regard to the apartheid regime, it was incompatible with the principles of the Charter of the United Nations and the Universal Declaration of Human Rights, since it permitted discrimination against the majority of the population. The Government of Pakistan was heartened to note the positive changes that had taken place in South Africa. Hundreds of political prisoners had been released, the ban on political organizations had been lifted and President De Klerk had endorsed the concept of a multi-party conference to promote constitutional reforms. Nevertheless, blacks in South Africa were still denied their fundamental rights to equality and self-rule. For that reason it was important to maintain international pressure on the Government of South Africa until the apartheid regime had been completely dismantled.

17. The Government of Pakistan had followed the initiative of the five permanent members of the Security Council on Cambodia and was confident that their efforts, with those of the ASEAN countries, would lead to a satisfactory solution of the question.

18. Pakistan was fully cognizant of its role as a member of the United Nations and of its obligations to the international community. It was deeply committed to the process of negotiation, consultation and dialogue which should enable the world eventually to find peace and prosperity.

19. Mr. OSMANY (Bangladesh) deplored the fact that violations of the fundamental rights of the Palestinian people and other Arabs in the occupied territories continued with impunity. In his letter accompanying the report of the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Population of the Occupied Territories, the United Nations Secretary-General had observed that the Government of Israel continued to ignore requests for cooperation addressed to it. The report confirmed once again gross violations of human rights by the Israelis in those territories where political rights, the right to free movement, to education and to freedom of expression continued to be denied by the occupation authorities.

20. The growing role of the Security Council in defending and protecting human rights was commendable. The Government of Israel, a signatory to the International Covenant on Civil and Political Rights, could not ignore its legal obligations under that and other human rights instruments. In flouting its obligations, Israel was in danger of losing all credibility in international affairs. The peace process started in Madrid the previous year under the auspices of the United States and the former Soviet Union deserved to be supported. In that connection, the Commission had to be watchful and make sure that the negotiations were not allowed to cover up human rights violations by Israel in the occupied territories. Nor should the Middle East peace process be allowed to divert the Commission's attention from the serious

deterioration of the human rights situation in the territories. For that reason, until Israel fully respected the fundamental human rights of all Palestinians and other Arab inhabitants of the occupied territories, moral, ethical and legal pressures needed to be maintained, and the question should continue to be given the highest priority.

21. Mr. ROA KOURI (Cuba) said it was unfortunate that the radical changes which had taken place in the system of international relations during the past few years had led to the military and political predominance of a single super-Power. That situation did not auger well for the future of poor countries. His Government also deplored the fact that, during the Gulf conflict, the Security Council had imposed decisions alien to the spirit of the Charter of the United Nations, thus setting serious precedents for the security, sovereignty and independence of peoples.

22. He recalled that respect for the right of peoples to self-determination had always been a fundamental United Nations principle, and in that context the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples had marked a significant step forward. The right of all States to the full exercise of their sovereignty and the right of all peoples freely to choose their political, economic and social regime without outside interference had constituted the foundations of the international legal order since the end of the Second World War. The present situation required, more than ever before, respect for those principles in order to safeguard international peace and security.

23. The advent of a unipolar political and military world was fraught with the danger that a single political and social model would be imposed throughout the world. All the initiatives taken by the North had the effect of consolidating the new world order that was emerging. Some countries were trying to impose on others the doctrine of limited sovereignty and to interfere in their internal affairs on the pretext of emergency humanitarian aid or assistance in the electoral process. Attempts were being made to establish a multi-party political model within a neo-liberal market economy context and to impose a new kind of inter-country relationship that violated the principles of national sovereignty and independence. The Cuban people had built up a socialist democracy based on the participation of all citizens and intended to defend it resolutely against any attempt at destabilization.

24. Although colonialism had collapsed and a great number of countries had achieved independence, certain peoples and territories were still under alien domination which should be ended by the end of the century. Such was the case of Puerto Rico, still deprived of its right to self-determination and independence. The Government of Cuba urged that it should accede to the status of a free country. The United States still occupied part of Cuban territory - against the will of the people - where it had set up the naval base of Guantánamo. For more than 40 years the right to self-determination had been denied the Palestinian people, who had experienced the policy of repression and colonization of the Israeli occupation forces. There would be no lasting peace in the Middle East until Israel withdrew from the Occupied Arab Territories and the Palestinian people had their basic rights restored. It was to be hoped that the peace negotiations taking place would at last lead

to a settlement of the Arab-Israeli conflict. As for the question of Western Sahara, his delegation wholeheartedly supported the efforts of the Secretary-General and the work of MINURSO, established pursuant to Security Council resolution 690 (1991). It welcomed the political agreements reached in Afghanistan and the negotiations to resolve the situation in Cambodia. Lastly, with relation to southern Africa, it considered that the international community should make greater efforts to eliminate apartheid once and for all.

25. Referring to the question of mercenary activities, his delegation congratulated the Special Rapporteur appointed by the Commission, Mr. Bernales Ballesteros, for his report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/1992/12). The report indicated that the activities of mercenaries continued to threaten the sovereignty of developing countries. The Cuban authorities agreed with the Special Rapporteur that the concept of mercenary activities should be defined and updated so as to include not only those who engaged directly in such activity but also those who sponsored it through the recruitment, financing, training or use of mercenaries. In that connection, the Special Rapporteur had recommended that it should apply to anyone, whether an individual or a body corporate, and that indirect intervention, covert operations and assistance to a party in conflict against the authority of the legitimate and constitutional Government should be condemned. Since it had itself been the victim of mercenary attacks carried out under the auspices of the United States of America, Cuba supported the recommendations of the Special Rapporteur, for it was aware of the close links between the activities of mercenaries and terrorist action designed to disrupt the life of citizens and overthrow legitimate authorities, as illustrated by the "dirty" wars waged in Nicaragua against the Sandinistas and against the constitutional Government of Angola, both of them organized and financed by the United States, as well as that waged by the racist regime in Pretoria against Mozambique.

26. Mr. HAFIANA (Libyan Arab Jamahiriya) noted that the question of the violation of human rights in the occupied Arab territories, including Palestine, had two main aspects. On the one hand, there were the numerous resolutions adopted by the Security Council since 1967, and particularly resolutions 252 (1968), 276 (1969), 298 (1971), 446 (1979), 465, 471, 476 and 478 (1980), 605 (1987), 607 and 608 (1988), 694 (1991) and 726 (1992), as well as Israel's rejection of the legitimate demands of the Palestinian people. On the other, there were the policies of the Israeli occupation authorities in the occupied Arab territories and Palestine which consisted of murdering old men, women and children, blowing up houses, confiscating land, depriving the inhabitants of Palestinian villages of water, plundering the property and cultural heritage of the Palestinians in order to obliterate their identity, arresting and torturing thousands of Palestinians and deporting individuals and groups. Those practices, which resembled those of the Nazis, had been confirmed by the reports of Amnesty International and other humanitarian organizations.

27. The numerous resolutions adopted by the Security Council and the United Nations General Assembly were provoked in some cases by Israel's annexation policies and the violations perpetrated in the occupied Arab

territories and Palestine, and in others by Israel's obstinate refusal to implement them. If those resolutions remained a dead letter it was also the fault of those who used their right of veto to protect Israel and support its policies. Their attitude prevented the Palestinian people from exercising their legitimate rights and encouraged Israel to pursue its policies of expansion and repression and to violate the basic human rights of the Palestinians and other Arabs living in the territories it occupied. The policies of the occupation authorities in the region threatened international peace and security and doomed to failure efforts made to restore peace, which should be based on justice.

28. In view of the Security Council and General Assembly resolutions that had been adopted, Isreael could do one of two things: either it complied with the resolutions and ended human rights violations in the occupied Arab territories and Palestine by withdrawing from those regions, or it could refuse to comply with them, in which case and in accordance with the provisions of the Charter of the United Nations, the Security Council should require compliance by adopting specific measures and applying sanctions against Israel.

29. The point at issue was whether the Security Council was a body which acted in accordance with the principle of justice and equality for all, or one that had double standards, being severe towards the Arabs and tolerant to the Israelis. If that was the case, the situation would be extremely disturbing since it would imply that the Security Council could adopt and implement resolutions that were unfair and contrary to the interests of peoples.

30. He noted that the Arabs who were taking part in the peace negotiations were victims. They were living as refugees in territory occupied by Israeli forces since 1967, suffering from hunger and disease, and handicapped by poverty and illiteracy. They could not negotiate on an equal footing with the Israelis, and would be obliged to agree to further concessions, which was impossible. The Arabs taking part in the negotiations had nevertheless shown good faith in the hope that Israel would agree to withdraw from the occupied Arab territories, recognize the right of the Palestinian people to self-determination and end the creation of settlements in the region. From start to finish they had encountered categorical refusals by the Israelis.

31. The question was not one of engaging in a futile argument or refusing peace based on justice, but rather the implementation by Israel of Security Council and General Assembly resolutions and a commitment by the United Nations to deal with all situations that threatened international peace, security and stability on the basis of respect for justice and equality between peoples and nations.

32. Mr. LONTAI (Hungary) said that the question of human rights was a priority issue for his Government which did not regard it as a domestic matter. Since it was willing to allow the international community to assess the human rights situation in Hungary, it could not remain silent when those rights were violated elsewhere by another State. His delegation noted with regret that the situation in the Arab territories occupied by Israel had scarcely changed since the previous session of the Commission on Human Rights. The occupation authorities blatantly violated their obligations under

international instruments, in particular the Fourth Geneva Convention. The Hungarian Government therefore urged the Government of Israel to respect the obligations it had assumed on ratifying various international conventions.

33. His delegation endorsed the assessment of the situation and the proposals made by Mr. de Santa-Clara Gomes on behalf of the European Community. Violence provoked violence and should be condemned wherever it occurred in the world. While considering the settlement of the occupied Arab territories to be illegal, the Hungarian Government recognized the right to emigrate and, where necessary, facilitated its enjoyment and condemned terrorist acts opposed to it. Hungary had learnt in the course of its history how easy it was artificially to heighten certain "natural" tensions between neighbouring peoples and how difficult it was and how long it took to reduce them. The Government of Hungary was following with great hopes the peace negotiations that had begun in Madrid. Their success called for a great deal of mutual tolerance and spirit of compromise, and could be facilitated by pressure on the part of the international community. For its part, it would spare no effort that could contribute to the restoration of peace in that region of the world.

34. Mr. ERMACORA (Austria) observed that that various opinions had been expressed on the subject of self-determination and considered that it was up to the Commission on Human Rights and the Centre for Human Rights to take note of them and identify their common denominator. Self-determination was one of the legal principles that had evolved the most during the century. With the eradication of colonialism, more than 100 States had emerged and maintained relations with one another on the basis of the principle of equality. In recent times, fundamental changes had swept through Central and Eastern Europe, and outside Europe other countries had claimed the right to self-determination.

35. Self-determination was the right of all peoples. A people could be defined as a social entity possessing a clear identity and its own characteristics and having a relationship with a territory. A distinction between peoples and ethnic, religious or linguistic minorities should be made on a case-by-case basis in the absence of any generally recognized definitions of those concepts. The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations offered several ways of implementing the right to self-determination, including the establishment of a sovereign and independent State, free association, integration with an independent State or the elaboration of some other political status freely determined by the people. Reunification, as in the case of Germany, was another way of implementing that right. The complexity of the right to self-determination was clear in the cases of the former USSR and Yugoslavia. Nevertheless, Austria had supported the claims of the Slovene and Croat peoples to the right to self-determination which had been clearly expressed in national plebiscites in accordance with the Constitution of Yugoslavia. Austria, together with many other countries, had therefore recognized the new States of Slovenia and Croatia since they fulfilled the relevant criteria for statehood.

36. The claim of a people to self-determination was essentially a request addressed to the State and the international community to negotiate a common political future. It was up to the people to decide how that right was to be implemented. The legitimacy of the claim would be tested at the national and international level, however. For that reason there was a need for new procedures to deal properly with such claims, which would guarantee the participation of all in accordance with the principles of democracy, political freedom and freedom of choice through free elections whose outcome would be fully respected. A crucial aspect of the right to self-determination was to determine the precise will of the people concerned; one way was to hold plebiscites or general elections. The United Nations had just launched an extensive operation to allow the Cambodian people to express their political will in internationally-supervised elections. Similarly, in Western Sahara, MINURSO was preparing a referendum on the future status of the territory. Austria was contributing to both operations not only financially but also by providing personnel. Plebiscites to determine the future status of territories had been implemented or announced elsewhere - one example being the referendum on the question of national independence to be held in Bosnia-Herzegovina towards the end of February 1992. Austria believed that the United Nations and other international organizations should play an important role in organizing free and fair elections or plebiscites. It therefore welcomed the increasing preparedness of the United Nations system, including the Centre for Human Rights, to react positively to requests by States for such assistance, as in the case of Eritrea where a referendum on the future status of the territory was to be held at an early date.

37. The task of the Commission was to follow the development of the fundamental concept of self-determination and to draw realistic conclusions that might also be considered by other United Nations bodies dealing with human rights. In that regard, it was worth recalling the General Comments on Article 1 of the International Covenant on Civil and Political Rights that had been elaborated by the Human Rights Committee. In conclusion, he said it seemed that respect for human rights and fundamental freedoms lay at the very core of the principle of self-determination, which in turn contributed to the full observance of those rights.

38. Mr. ITO (Japan) said that the Commission's discussions on the question of the violation of human rights in the occupied Arab territories were of crucial importance, since after a period which had seen encouraging signs and disappointments a historical turning-point had been reached in the search for peace in the Middle East. In that complex situation, his delegation expressed its appreciation of the initiative and continuous efforts of the United States Government. It reiterated its position that, in order to achieve a just, lasting and comprehensive peace in the Middle East, Security Council resolutions 242 and 338 should be respected, and that the peaceful solution of the question of Palestine should be based on three basic principles, namely, Israel's withdrawal of its armed forces from all territories occupied since 1967, recognition of the Palestinian people's right to self-determination and recognition of Israel's right to exist. Japan believed that Israel, as the occupying Power, should bear responsibility for protecting the civilian population in the occupied territories and was obliged to comply with the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.

39. In that connection, his delegation considered that the decision taken on 2 January 1992 by the Government of Israel to deport 12 Palestinians from the West Bank and the Gaza Strip ran counter to the efforts made to promote the peace process. Furthermore, that measure infringed international law on the treatment of residents in occupied territories and was contrary to humanitarian principles. Japan also urged Israel to put an end to its illegal settlement practices in the occupied territories which posed a threat to the peace process. It also considered that the international community should increase assistance to Palestinian refugees and Palestinian residents in the occupied territories. It had therefore contributed US$ 10 million in cash to UNRWA for the year 1991 as well as food aid equivalent to 1 billion yen. Japan expected the Working Group dealing with refugee matters which had been established at the Moscow meeting to contribute to a solution of the problem of Palestinian refugees and hoped that, throughout the peace process which had begun in Madrid, respect for human rights in the Middle East would be a matter of priority.

40. Mr. WIRAJUDA (Indonesia) noted that recent changes in the former Eastern Bloc had renewed interest in the issue of self-determination. In terms of the decolonization of non-self-governing territories, the process of self-determination had been quite successful, with a few exceptions. In that connection, he emphasized that action to abolish colonialism constituted one of the fundamental principles set out in the preamble to the Indonesian Constitution.

41. The question of self-determination could be understood more easily if its true nature was analysed in a historical context. It was worth remembering that 1992 marked the five-hundredth anniversary of the beginnings of the modern history of colonization and the subjugation of peoples in the name of law and morality. By tracing the history of colonialism, it was possible to see how close were the links between the question of self-determination and racism and slavery. That was, moreover, the approach adopted by the human rights expert Mr. Asbjorn Eide who, in a recent study on racism (E/CN.4/Sub.2/1989/8 and Add.1), had pointed out that in Europe religious dogmas had preceded racist theories which had in turn legitimized colonialization through what were called legal principles of discovery. The new world order created after the Second World War aroused great expectations among peoples under foreign domination that they would be freed from unjustified subjugation since the principle of self-determination had often been expressed during the War. However, what was supposed to be their inherent right to self-determination had not been a priority when the Charter of the United Nations was drawn up. The preparatory work for the 1945 San Francisco Conference revealed that, with reference to article 73, self-determination in the sense of the right of peoples under foreign domination to independence was a controversial issue and that in point of fact the text of article 73 of the Charter fell short of that principle.

42. There was a tendency, in the debate on self-determination, to confuse the right to self-determination with the exercise of self-determination. According to the Declaration on the Granting of Independence to Colonial Countries and Peoples (United Nations General Assembly resolution 1514 (XV) of 15 December 1960), all peoples had the right to self-determination, which meant that colonial countries and peoples could, in exercising that right,

choose independence, integration or association with another State. By virtue of the right to self-determination they had the right to choose their own government and pursue their economic, social and cultural development as they saw fit. That was comparable to what was often called internal self-determination. In the progressive development of international law, the right to self-determination was considered a part of peremptory norms (jus cogens) under which treaty agreements between States and decisions of any institution for the purpose of maintaining the status quo of colonialism were null and void. It was as such that Indonesia regarded the claims of a former colonial Power to be the "administering Power" of its former colony.

43. The 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples made it clear that the right to self-determination was granted to peoples and not to a section of the population. It was certainly not meant to be granted to a handful of persons who had taken refuge in a Western country and set up what they would call a liberation movement, and claimed the right to independence for a portion of a State which had decolonized itself within the meaning of the right to self-determination under the 1960 Declaration. Finally, it should not be forgotten that, according to article 29, paragraph 3, of the Universal Declaration of Human Rights, the rights and liberties (contained in the Declaration) might in no case be exercised contrary to the purposes and principles of the United Nations, important elements of which were the maintenance of the territorial integrity and political independence of States.

44. Mr. SEMICHI (Algeria) said that the process of the emancipation of peoples under General Assembly resolution 1514 (XV), which contained the Declaration on the Granting of Independence to Colonial Countries and Peoples, had not yet ended since situations persisted in which peoples under foreign domination were denied the exercise of their national sovereignty. Such was the case of the Palestinian people whose national rights were still denied on their own territory, occupied by Israel which refused to meet its obligations under the Charter of the United Nations. At its forty-seventh session, the Commission on Human Rights had, in resolution 1991/6, requested the Secretary-General to provide it with all information pertaining to measures that Israel intended to take in compliance with its obligations and United Nations resolutions. That request had failed to elicit any response from Israel, which had thereby demonstrated once again its defiant attitude to the United Nations.

45. In South Africa, there were no grounds for asserting that the emancipation of the black majority of the country was imminent in the view of the slow pace at which apartheid as a system of racial exclusion was being dismantled. However, the commitment and determination recently shown by the Government of that country had aroused hopes that a democratic solution would be found and would effectively abolish the anachronistic institution of apartheid. The United Nations should therefore continue to encourage the dialogue with leaders in Pretoria and the legitimate representatives of the courageous South African people. In that regard, his delegation congratulated Mr. Bernales Ballesteros, Special Rapporteur on mercenary activities, for his report (E/CN.4/1992/12). Those criminal activities had been condemned by Governments and non-governmental organizations, since they were part of the

subversive activities carried out in southern Africa and elsewhere against independent States and national liberation movements in order to impede the process of the liberation of peoples. The Special Rapporteur had noted the close relationship that existed between apartheid and the presence in Africa of mercenaries who contributed to the implementation of that despicable policy.

46. The situation of the people of Western Sahara had been considered regularly by the United Nations bodies over many years in an attempt to find a permanent, just and lasting solution. The plan drawn up by the United Nations to resolve that question had been approved by both the General Assembly and the Security Council, and its implementation had been entrusted to the Secretary-General. His delegation supported that plan which provided for the organization of a referendum on self-determination that would allow the people of Western Sahara to express their wishes in complete freedom and thus arrive at a definitive solution of the problem.

47. Mr. RASAPUTRAM (Sri Lanka) noted that, despite some measure of optimism over the commencement of the Madrid process with the conference on peace in the Middle East, the situation in that region and the question of Palestine in particular regrettably remained unchanged despite the yearning of the Palestinian people to exercise their inalienable rights, including the right to an independent homeland. Those rights continued to be denied them and, as evidenced by documents before the Commission, particularly concerning the toll of those killed and wounded, including children, and the violence, harassment and other infringements of fundamental rights highlighted in document A/42/522, Palestinian and other Arab civilians in the occupied territories were being treated in an unacceptable way. Since the intifada, it had become obvious that Palestinians rejected the Israeli occupation and that the situation resulting from the occupation would not be resolved with time. Israel had furthered its occupation policies by establishing new settlements and expanding those already in existence and had exacerbated the situation even more by settling thousands of immigrants in the occupied territories.

48. His delegation, together with the world community, urged the Israeli authorities to abide by the Fourth Geneva Convention, especially article 49, paragraph 6, and reaffirmed the importance of Security Council resolutions 242 (1967) and 338 (1973) as a basis for a peaceful settlement. It welcomed the first moves towards a comprehensive solution of the Middle East problem as reflected in the Madrid peace conference, a process which was continuing in Moscow. However, the international community should not divert its attention from the unsatisfactory situation in the occupied territories. As the former United Nations Secretary-General, Mr. Javier Pérez de Cuéllar had said, a settlement in the Middle East depended on several key considerations, including the satisfactory solution of the Palestinian problem based on the recognition of the legitimate political rights of the Palestinian people, including self-determination.

49. Mr. LANUS (Argentina) recalled that being a member of the Commission imposed an often unpleasant duty on States, since they were sometimes obliged to choose between two imperatives which constituted the very basis of relations between sovereign States. On the one hand, they had to find a way

of interpreting the increasingly vocal wishes of international public opinion to have States that flagrantly violated human rights publicly condemned and, on the other hand, of respecting the undeniable right of every State to non-interference in its internal affairs. Those inescapable alternatives reflected the evolution of ideas and political realities in a world that was beginning to accept what had previously been unthinkable. It was in that context that Argentina had actively joined in the struggle to defend human rights as an indivisible whole, which implied ensuring complete respect for civil, political, social, cultural and economic rights as the only way of enabling individuals to develop in a climate of international cooperation and harmony.

50. For Argentina, the question of the violation of human rights in occupied Arab territories, including Palestine, had taken on new importance because, for the first time since the beginning of the conflict between Arabs and Israelis, a direct dialogue had been established with a large number of the leaders of Arab States. That did not, of course, imply that the human rights violations still being committed in all the occupied Arab territories, any more than the failure of the authorities of the Hebrew State to respect the 1949 Geneva Conventions, should be overlooked. However, the talks under way should prove that peace was possible in that region of the world and that the peoples whose roots there were so ancient could once again live together in peace.

51. Argentina reaffirmed that the establishment of new settlements should be halted because, consisting of immigrants from other regions with different customs, they were the source of new tensions which further compromised the likelihood of peace in the future. As for the deportation of Palestinian civilians, it was contrary to all the standards that should be respected by States and only increased hostility. The solution to the conflict should be based on Security Council resolutions 242 (1967) and 338 (1973) since there would be no peace in the region until the inalienable rights of the Palestinian people were recognized and the sovereignty of the State of Israel guaranteed within secure borders recognized by neighbouring countries. A historic threshold had been crossed in that respect with the conference that had taken place in Madrid in 1991. To conclude that agenda item, his delegation observed that, since their arrival in Argentina at the end of the nineteenth century, Arab and Jewish communities had coexisted in harmony and without any display of bitterness or enmity, and that even during the unfortunate events of 1967 and 1973 there had been no confrontation between them. Argentina sincerely hoped that a similar situation would be brought about in the territories which were at present the theatre of the Arab-Israeli conflict, and was convinced that peace was possible there.

52. In connection with agenda item 9, the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation, his delegation believed that the international community should support the opening-up process which had begun in South Africa with a view to abolishing apartheid once and for all. It also welcomed the peace efforts being made through the United Nations in Cambodia, and expressed the hope that the process of decolonization which had begun in Western Sahara would be successful and that the referendum would take place as

planned under the auspices of the United Nations. In conclusion, it commended the report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/1992/12), submitted by Mr. Bernales Ballesteros, and supported the extension of his mandate.

53. The CHAIRMAN gave the floor to those delegations which had asked to speak in exercise of the right of reply, or the equivalent of the right of reply.

54. Mr. RAVEN (United Kingdom of Great Britain and Northern Ireland) said that at the previous meeting the representative of Iraq had reacted to the statement made by the Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom by resorting to the usual method employed by those who had no argument to counter criticism levelled at them, namely, by attacking the author and refraining from dealing with the substance. The representative of Iraq had not replied to any of the points raised by the British Under-Secretary of State. In any case, the human rights situation in Iraq would be considered by the Commission subsequently, but it was clear that to shift responsibility for the appalling human rights situation in that country onto someone else was simply a classic diversionary tactic which would not deceive the international community.

55. Ms. RADIC (Yugoslavia), replying to the statement made at the present meeting by the representative of Austria, who had said that the Croats and Slovenes had seceded in accordance with the right to self-determination recognized by the Yugoslav Federal Constitution, said it was true that Yugoslavia, like the former Soviet Union, was one of the few countries to recognize that right in its Constitution. However from the standpoint of the Yugoslav Constitution, that right was considered to have already been exercised in the past. The secession of the Croats and Slovenes was therefore a unilateral act by those Republics. In fact the federal law of Yugoslavia did not recognize acts which changed the boarders of the country unless they had been reached as a result of negotiations and agreements reached among all the Yugoslav peoples concerned. That principle had obviously been flouted in both the cases of secession in question.

56. The representative of Austria had also said that a plebiscite was to be organized in Bosnia-Herzegovina on the question of the sovereignty of that territory. Like the exercise of the right to self-determination, plebiscites were not the privilege of republics or their governments but that of the peoples who lived in the Republics. It was the Government of Boznia-Herzegovina which had proposed organizing a plebiscite on the independence of a Republic that was inhabited in approximately equal proportions by Muslims, Croats and Serbs. The Serbs of Bosnia-Herzegovina would not agree to live in a sovereign Bosnia-Herzegovina imposed upon them - an opinion they had already expressed freely in an earlier referendum - but wished to remain in Yugoslavia. They had therefore refused to participate in the forthcoming plebiscite, preferring to continue to live in the Yugoslav State and did not recognize any unilateral act which might be imposed on Yugoslavia or any of its peoples outside of a negotiated, peaceful and comprehensive solution to the current Yugoslav problem.

57. Mr. KIM Chol Su (Observer for the Democratic People's Republic of Korea), replying to the accusations directed against his country by the United States representative at the previous meeting, said that the most wanton violation of the right to national self-determination was foreign interference, especially military aggression and occupation. It was common knowledge that, as a result of the occupation of the southern part of the Korean peninsula by the United States for nearly half a century, the Korean people had been unable to exercise its right to self-determination and sovereignty on a nationwide scale, and that 10 million families had been torn apart without knowing whether their relatives were alive or dead. The Democratic People's Republic of Korea wished to recall in that regard the historical facts, which were that the United States that pretended to be the defender of the right to self-determination and human rights had massacred hundreds of thousands of Koreans who had decided to establish their own government immediately after the United States' occupation of South Korea and had divided the Korean nation, causing untold suffering.

58. American-style democracy and freedom as characterized by brutal discrimination against its indigenous and black population, murder, drug abuse, crime, unemployment and hollow rights were unacceptable. The electoral system in the United States excluded millions of citizens through preconditions such as personal wealth, permanent residence, age and so on. In spite of that the United States tried to act as a human rights judge in the Commission, which should no longer be allowed.

59. The North Korean people had from the outset chosen their social and political system and were proud of it and of their democracy. If the United States intended, under a human rights banner, to undermine the system that the people loved they were deluding themselves. By using human rights as a pretext for its base political purposes in the very forum where the best way of defending those rights was being discussed, the United States showed how much it was accustomed to flout the right to self-determination of other nations.

The meeting rose at 5.55 p.m.